

Chapter ILHR 84

BOAT AND ON-SHORE SEWAGE FACILITIES

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Note: Chapter H 80 as it existed on September 30, 1980 was repealed and a new chapter H 80 was created effective October 1, 1980; renumbered to be chapter ILHR 84 effective June 1, 1983.

**ILHR 84.01 Applicability.** This chapter as authorized by s. 30.71, Stats., for the abatement of water pollution through control of the discharge of sewage from boats maintained or operated at any time upon the inland or outlying waters of the state, defined in s. 29.01 (4), Stats., shall be applicable to any boat which is equipped with a toilet.

Note: Section 29.01 (4), Stats., provides: "All waters within the jurisdiction of the state are classified as follows: Lakes Superior and Michigan, Green Bay, Sturgeon Bay, Sawyer's harbor and the Fox river from its mouth up to the dam at De Pere are 'outlying waters.' All other waters, including the bays, bayous, and sloughs of the Mississippi river bottoms, are 'inland waters.'"

History: Cr. Register, September, 1980, No. 297, eff. 10-1-80; renum. from H 80.01, Register, May, 1983, No. 329, eff. 6-1-83.

**ILHR 84.02 Definitions.** The following definitions shall apply in the interpretation and enforcement of this chapter.

(1) "Department" means the department of industry, labor and human relations.

(2) "Approved" means written approval from the department.

(3) "Boat" means every description of watercraft, other than a seaplane, on the water, used or capable of being used as a means of transportation on water, s. 30.50 (1), Stats.

(4) "Deodorant" means a substance or process which masks or destroys offensive odor.

(5) "Holding tank" means a permanently installed container which receives the discharge from one toilet or more and retains the sewage for shore disposal.

(6) "Maintain and operate" means to moor and occupy or to navigate, steer, sail, row or otherwise to exercise physical control over the use or movement of a boat.

(7) "Owner" means the person who has lawful possession of a boat by virtue of legal title or equitable interest therein which entitles that person to such possession.

(8) "Portable toilet" means a self-contained unit with a flushing device which retains sewage in a holding tank for disposal to a sewage system acceptable to the department.

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(9) "Recirculating system" means a holding tank with all necessary appurtenances to provide for the recirculation of flushing liquid and for the receiving, venting and shore removal of sewage.

(10) "Sealed" means making a toilet incapable of discharging sewage into the waters upon which a boat is operated or moored.

(11) "Sewage" means human body wastes.

(12) "Toilet" means any device, facility or installation designed or constructed for use as a place for receiving sewage directly from the human body.

History: Cr. Register, September, 1980, No. 297, eff. 10-1-80; renum. from H 80.02 and am. (1) Register, May, 1983, No. 329, eff. 6-1-83.

**ILHR 84.03 Petition for variance.** The department shall consider and may grant a variance to an administrative rule upon receipt of a fee and a completed petition for variance form from the owner, provided an equivalent degree of safety is established in the petition for variance which meets the intent of the rule being petitioned. The department may impose specific conditions in a petition for variance to promote the protection of the health, safety and welfare of the employes or the public. Violation of those conditions under which the petition is granted constitutes a violation of these rules.

Note: Copies of the petition for variance (form SBD-6690) are available from the Division of Safety and Buildings, P.O. Box 7969, Madison, Wisconsin 53707.

History: Cr. Register, September, 1980, No. 297, eff. 10-1-80; renum. from H 80.03, Register, May, 1983, No. 329, eff. 6-1-83; r. and recr. Register, October, 1984, No. 346, eff. 11-1-84.

**ILHR 84.04 Contract applicability.** Applicable provisions of this regulation shall be construed to be a part of any order or agreement, written or verbal, for the installation of a holding tank, recirculating system, provisions of a portable toilet or shore disposal facility or appurtenances thereto.

History: Cr. Register, September, 1980, No. 297, eff. 10-1-80; renum. from H 80.04, Register, May, 1983, No. 329, eff. 6-1-83.

**ILHR 84.05 Approval required.** (1) **GENERAL.** Any prefabricated tank, portable toilet or toilet proposed for installation in boats used upon the inland or outlying waters of the state shall receive the approval of the department. The manufacturer of any prefabricated tank, portable toilet or toilet shall submit, in duplicate, plans and specifications showing construction details for such facility. The owner of a custom built tank or toilet shall similarly submit such details in duplicate for approval prior to installation. The department may require the submission of other information or the unit itself, in the case of a portable toilet, to complete its review.

(2) **APPROVED UNIT LISTING.** The department shall keep a current list of approved prefabricated tanks, portable toilets and toilets for installation on boats and shall provide a copy of such current list to the bureau of law enforcement, department of natural resources.

History: Cr. Register, September, 1980, No. 297, eff. 10-1-80; renum. from H 80.05, Register, May, 1983, No. 329, eff. 6-1-83.

**ILHR 84.06 Holding tank, toilet and appurtenances.** (1) **MATERIAL.** Each holding tank and toilet shall be constructed of a plastic which is Register, October, 1984, No. 346

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resistant to acid, alkali and water; stainless steel with comparable resistance or other approved material. Metal combinations shall be galvanically compatible.

(2) **HOLDING TANK STRENGTH.** A holding tank, with all openings sealed, shall show no signs of deformation, cracking or leakage when sub-